REMARKS

Preliminary Matter

Applicants thank the Examiner for acknowledging the claim for priority under 35 U.S.C. § 119 and for indicating receipt of the priority document. Applicants also thank the Examiner for considering the references cited with the Information Disclosure Statement (IDS) filed June 21, 2005. The Examiner's acceptance of the drawings is further appreciated.

Status of the Application

Claims 1-4 have been examined and rejected under 35 U.S.C. § 102(b). Claims 2-4 are amended for reasons of precision of language. The amendments to claims 2-4 do not narrow the literal scope of the claims and thus do not implicate estoppel in the application of the doctrine of equivalents. New claims 5-14 are hereby added, which are clearly supported throughout the specification. Hence, claims 1-14 are all the claims pending in the application.

Claim Rejections - 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-4 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,069,857 to Schell et al. (hereinafter "Schell"). Applicants respectfully traverses these grounds of rejection and respectfully submit that the claims are patentable over the prior art of record.

Claim 1

For example, claim 1 recites a host device for controlling writing of data into a bulk memory. The host device includes an NG table for storing addresses specifying areas of the bulk memory into which data cannot be written. The host device also includes a control means for

writing data in an area of the bulk memory specified by an address which is not stored in the NG table if a performance-guaranteed environment determination means determines that the current environment is outside a performance-guaranteed environment in which performance of the bulk memory is guaranteed.

Schell is directed to an optical disc system for encoding and writing information onto an optical disc and for reading and decoding the information written thereon. Schell discloses a defect management module which creates a defect table while the optical disc is being recorded, and writes the defect table to a portion of the optical disc (col. 85, lines 46-48). The defect management module consults the table to ensure that hardware devices do not attempt to access a defective portion (col. 85, lines 51-54). Schell also discloses that characteristics of the optical disc may change as temperature increases, thereby causing overlap in information if a writing beam remains at a constant intensity. Therefore, the power of the writing beam is adjusted depending on the temperature in the housing (col. 84, lines 31-36).

The Examiner seems to contend that Schell's optical disc corresponds to the claimed bulk memory and that Schell's defect table corresponds to the claimed NG table (*see* pages 2 and 3 of the Office Action). However, Schell's defect table is written to a portion of the optical disc itself (col. 85, lines 47-48), rather than being stored in a host device which controls writing of data on the optical disc. Thus, Schell does not teach a host device comprising the alleged NG table (defect table) as required by claim 1.

The Examiner also asserts that Schell's temperature sensor monitors for an environmental problem and therefore teaches the claimed determining whether a current environment outside a performance-guaranteed environment. However, Schell merely discloses that the power of the writing beam can be adjusted in response to temperature changes (col. 84, lines 35-39). Thus, Schell's system compensates for environment changes rather than detecting a temperature at which the optical disk is no longer performing in a guaranteed environment. Thus, Schell does not teach or suggest determining whether or not a current environment of the alleged bulk memory (optical disk) is outside a performance-guaranteed environment in which performance of the bulk memory is guaranteed as required by claim 1.

Because Schell does not teach all of the features of claim 1, Applicants submit that the claim 1 is patentable and respectfully request withdrawal of the rejection.

Claim 2

Claim 2 recites, *inter alia*, that the control means includes an address acquisition means, a data acquisition means, a data writing means, and a verification checking means. The address acquisition means acquires the address of the bulk memory which is not stored in the NG table. The data acquisition means acquires data which are to be written into the bulk memory, and the data writing means writes the data into the area of the bulk memory specified by the address. The verification checking means writes the address in the NG table if it is determined that the data written into the area does not match data acquired by the data acquisition means.

The Examiner contends that Schell teaches all of the features of claim 2 (*see* page 2 of the Office Action). However, Schell's defect table is created when the optical disc is formatted. The defect table is read from a previously-formatted optical disc, and hardware devices will not attempt to access defective portions indicated in the defect table (col. 85, lines 46-54). Thus, Schell does not teach that an address which is not stored in the NG table is written to the NG table when it is determined that the data written into the area by a data writing means does not match data acquired by a data acquisition means as recited in claim 2. Conversely, the addresses in Schell's defect table are determined before hardware devices even access the optical disc.

Because Schell does not teach all of the features of claim 2, Applicants submit that the claim is patentable. Applicants also submit that claim 2 is patentable at least by virtue of its dependency on claim 1.

Claims 3 and 4

Applicants submit that claims 3 and 4 are patentable at least by virtue of their dependency on claim 1.

New Claims

New claims 5-14 have been added. Applicants submit that these claims are patentable.

Claim 5

Claim 5 recites, *inter alia*, recites that the addresses specifying areas of said bulk memory into which data cannot be written are stored in said NG table if an attempt, by said control means, to write data in said areas is unsuccessful. As discussed above, Schell's defect table is

created when the optical disc is formatted. The defect table is read from a previously-formatted optical disc, and hardware devices will not attempt to access defective portions indicated in the defect table (col. 85, lines 46-54). Thus, Schell does not teach that the addresses stored in the alleged NG table (defect table) are stored if an attempt, by the control means, to write data in areas specified by the addresses is unsuccessful as required by claim 5. Conversely, the addresses in Schell's defect table are determined before hardware devices even access the optical disc.

Because Schell does not teach all of the features of claim 5, Applicants submit that the claim is patentable. Applicants also submit that claim 5 is patentable at least by virtue of its dependency on claim 1.

Claim 6

Claim 6 recites, *inter alia*, that if the verification checking means determines that the data which have been written into the area does not match the data acquired by said data acquisition means, the data writing means writes the data acquired by said data acquisition means into an area of said bulk memory which is specified by a *different* address. Schell discloses that if a fault is detected in executing a function, the function is attempted again (col. 84, lines 5-9). After a certain number of retries, the function is aborted, a failure notice is returned, and a sense code qualifier indicates where the failure occurred (col. 84, lines 19-20). Thus, Schell does not teach that subsequent attempts to execute the function occur at a *different* address.

Because Schell does not teach all of the features of claim 6, Applicants submit that the claim is patentable. Applicants also submit that claim 6 is patentable at least by virtue of its dependency on claim 1.

Claim 7

Because claim 7 is dependent on claim 1, Applicants submit that the claim is patentable at least by virtue of its dependency.

Claim 8

Claim 8 recites features which are somewhat similar to the features discussed above in conjunction with claim 1. Thus, Applicants submit that claim 8 is patentable at least for reasons analogous to those discussed above regarding claim 1.

Claim 9-14

Claims 9-14 are patentable at least by virtue of their dependency on claim 8.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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